IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5121 OF 2005

Sajid Abdul Razak Shaikh ...Applicant
vs.
State of Maharashtra & Other ...Respondents

Ms Leena Patil for the Applicant
Ms M.M.Deshmukh,A.P.P. for State
Mr.Anandha Sarang for Respondent No.2

CORAM: A.S.OKA,J.
DATE : AUGUST 17,2005

P.C.:

1. Rule. Learned A.P.P. waives service for Respondent No.1-State. Learned Advocate for Respondent No.2 waives service. For the reasons set out in the application a case for restoration is made out. Accordingly, Revision Application No.142 of 2005 is restored.

2. The averments made in the application disclose that from 22nd July 2005 the Advocate for the Applicant approached the concerned Department for filing spare copy of the Revision Application. It is averred in the paragraph No.5 that spare copy of the Revision Application was not accepted on the ground that papers of the Revision Application were not available. If what is stated in the paragraph No.5 is correct, in my view the concerned department ought to have accepted the true copies of the Revision Application along with praecipe. Non-availability of the papers of the Revision

Application was no ground to say that copies will not be accepted. The concerned Section Officer is directed to submit an explanation within a period of one week from today.

3. Place the Revision Application for admission on 23rd August 2005. Ad-interim relief granted in the Revision Application on 4th May 2005 to continue till then.

JUDGE